



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/083,432

02/26/2002

Petri Hyypa

042933/303969

6729

826

7590

12/13/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

SHAH, AMEE A

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,432

Applicant(s)

HYPPPA ET AL.

Examiner

Amee A. Shah

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,20,21 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,20,21 and 25-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-18, 20, 21 and 25-29 are pending in this action.

Response to Amendment

Applicant's Amendment, filed September 20, 2006, has been entered. Claims 1, 20 and 25-28 have been amended. Claim 29 has been added.

Response to Arguments

Applicant's arguments filed September 20, 2006, have been fully considered but they are not persuasive. Applicant argues that none of the prior art, but essentially Rhoads, does not teach or suggest generating a data entity that associates with a particular transaction, as recited by amended claim 1 (Remarks, pages 7-9). The Examiner disagrees. First, Applicant does not define "a particular transaction" and therefore, the term is interpreted in the broadest reasonable manner. Secondly, Rhoads does teach or suggest generating a data entity that associates with a particular transaction. Rhoads teaches generating a data payload encoded by a watermark which can include plural data fields such as artist, title, etc., (§0020) and can also include price (§0079) and usage controls such as number of playbacks permitted or a limited term for playback rights (§0087-0098 and 0100) which associate the watermark with a particular transaction. In view of the foregoing, the rejections of all of the claims are sustainable in view of Rhoads.

Examiner Note

Examiner cites particular pages, columns, paragraphs, and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. §102

The following is a quotation of 35 U.S.C. §102(e) that forms the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 9-11, 15-18, 20, 21 and 25-28 are rejected under 35 U.S.C. §102(e) as being anticipated by Rhoads, US 2004/0128514 A1 (hereafter referred to as "Rhoads").

Referring to claim 1. Rhoads discloses a method in a system wherein a user equipment and another party are enabled to exchange transaction data, the method comprising:

- generating a data entity that associates with a particular transaction (¶¶0020, 0075-0077, 0079, 0087-0098 and 0100 – note that the data entity generator is the encoding process and

Art Unit: 3625

the data entity is the watermark which associates with a particular transaction by the price, usage controls and limited term for playback rights);

- including information of an object that associates with the transaction in the data entity (§§0078-0079 and §0136 – note that examples of the information about the object include title and artist name);

- transmitting the data entity to the user equipment over a wireless interface (Figs. 1, 3 and 4, and §§0015-0017, 0108-0111, 0120, 0123 and 0136 – note the watermark is embedded in and transmitted with the songs); and

- downloading to the user equipment additional information that associates with the transaction based on said information of the object (§0136 – note that the additional information is, for example, the tour schedule).

Referring to claim 4. Rhoads further discloses the method as claimed in claim 1 wherein the object comprises a storage means for storing information that associates with the subject of the transaction (§§0019 and 0076 - note that the storage means is enclosed in the data payload encoded by the watermark).

Referring to claim 5. Rhoads further discloses the method as claimed in claim 1 wherein the user equipment initiates procedure for establishment of a communication media between the user equipment and the object based on said information of the object (§§0023 and 0038 - note that the user equipment initiating procedure is pressing of a button or spoken commands).

Referring to claim 6. Rhoads further discloses the method as claimed in claim 1 wherein the object is controlled by a third party (Fig. 4 and ¶0169 – note that the third party is a music provider).

Referring to claims 9 and 10. Rhoads further discloses the method as claimed in claim 1 wherein the additional information relates with at least one characteristic of the subject of the transaction (claim 9), and wherein the at least one characteristic relates to a specific product or service (¶¶0040 and 0135 – note that the additional information relating to at least one characteristic can be free streaming audio or music clips).

Referring to claim 11. Rhoads further discloses the method as claimed in claim 1 wherein the additional information is provided by communication comprising speech (¶¶0113-0115 – note that the communication comprising speech is the computer speech technology).

Referring to claim 15. Rhoads further discloses the method as claimed in claim 1 wherein the data entity is for provision of a receipt (¶0188).

Referring to claims 16 and 17. Rhoads further discloses the method as claimed in claim 1 wherein the data entity is for provision of an offer (claim 16) and wherein the data entity is for provision of conditions for sale (claim 17) (¶¶0040, 0079 and 0135 – note that the provision of an offer and of conditions for sale are the information about price and other buying opportunities).

Referring to claim 18. Rhoads further discloses the method as claimed in claim 1 wherein the data entity is based on an electronic data card format (§§0400-0406).

Referring to claim 20. Rhoads discloses a method in a system wherein a user equipment and another party are enabled to exchange transaction data, the method comprising:

- generating a data entity that associates with a particular transaction (§§0020, 0075-0077, 0079, 0087-0098 and 0100 – note that the data entity generator is the encoding process and the data entity is the watermark which associates with a particular transaction by the price, usage controls and limited term for playback rights);

- including information of an object that associates with the transaction in the data entity (§§0078-0079 and §0136 – note that examples of the information about the object include title and artist name);

- communicates via a local wireless link with another station for transmitting the data entity to the user equipment (Figs. 1, 3 and 4, and §§0015-0017, 0108-0111, 0120, 0123, 0136 and 0049 – note the watermark is embedded in and transmitted with the songs and the other station is the friend); and

downloading to the user equipment additional information that associates with the transaction based on said information of the object (§0136 – note that the additional information is, for example, the tour schedule).

Referring to claim 21. Rhoads further discloses the method as claimed in claim 1 wherein the user equipment communicates via at least two different communication means (§§0015-0016 – note the two different means are radio and IR).

Referring to claim 25. Rhoads discloses a mobile user equipment adapted for processing electronic transactions, comprising:

- communication mechanism means for communicating with a remote unit to be provided with a data entity transmitted to the mobile user equipment by a remote unit, said data entity including data for a particular transaction and information of an object associated with the transaction (Fig. 3 and §§0009-0017 – note the mobile communication network encompasses the wireless interface which can be a cellular repeater); and
- control means for processing the data entity, said control means being adapted to request for additional information based on said information of the object (Fig. 3 and §§0009-0017 – note the control means is the processor).

Referring to claim 26. Rhoads discloses an apparatus for facilitating communication of transaction data with user entity, said apparatus comprising:

- communication means for transmitting a data entity to the user equipment over a wireless interface, the data entity including data for a particular transaction and information of an object associated with the transaction (Figs. 3 and 4 and §§0015-0017, 0020, 0075-0077, 0079, 0087-0098 and 0100 – note that the data entity is the watermark which associates with a

Art Unit: 3625

particular transaction by the price, usage controls and limited term for playback rights and that the communication means comprises the relay station and cellular repeater); and

- control means of the user equipment for processing the received data entity, said control means configured to request for additional information based on said information of the object (Fig. 3 and ¶¶0009-0011 – note the control means is the processor).

Referring to claim 27. Rhoads discloses a mobile user equipment for processing electronic transactions, comprising:

- communication mechanism means for communicating over a local wireless link with another station to be provided with a data entity transmitted to the mobile user equipment by an element of a mobile communication network, said data entity including data for a particular transaction and information of an object associated with the transaction (Fig. 3 and ¶¶0009-0017, 0020, 0049, 0075-0077, 0079, 0087-0098 and 0100 – note that the data entity is the watermark which associates with a particular transaction by the price, usage controls and limited term for playback rights and that the mobile communication network encompasses the wireless interface which can be a cellular repeater and the other station is a friend); and

- control means for processing the data entity, said control means being adapted to request for additional information based on said information of the object (Fig. 3 and ¶¶0009-0017 – note the control means is the processor).

Referring to claim 28. Rhoads discloses an apparatus for facilitating communication of transaction data with user entity, said apparatus comprising:

Art Unit: 3625

- communication means for transmitting a data entity to the user equipment over a local wireless link with another station, the data entity including data for a particular transaction and information of an object associated with the transaction (Figs. 3 and 4 and ¶¶0015-0017, 0020, 0049, 0075-0077, 0079, 0087-0098 and 0100 – note that the data entity is the watermark which associates with a particular transaction by the price, usage controls and limited term for playback rights and that the communication means comprises the relay station and cellular repeater and the other station is a friend); and

- control means of the user equipment for processing the received data entity, said control means configured to request for additional information based on said information of the object (Fig. 3 and ¶¶0009-0011 – note the control means is the processor).

Referring to claim 29. Rhoads discloses a method as claimed in claim 1 wherein the user equipment communicates with an element of a mobile communication network (Figs. 1, 3 and 4 and ¶¶0015-0017, 0108-0111, 0120, 0123 and 0136).

Claim Rejections - 35 U.S.C. §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. §103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. §103(c) and potential 35 U.S.C. §102(e), (f) or (g) prior art under 35 U.S.C. §103(a).

Claims 2, 3, 7, 8, 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads in view of Levy et al., US 6,505,160 (hereafter referred to as "Levy ").

Referring to claims 2, 3, 7 and 8. Rhoads discloses the method as claimed in claim 1, as discussed above, wherein the information of the object can be internet links associated with the object (§0040), but does not explicitly disclose wherein the information of the object comprises a communication network address of the object (claim 2), wherein the information of the object comprises a universal resource locator (URL) (claim 3), wherein the object comprises a site in a data network (claim 7) and wherein the site comprises a document that is retrievable from a server, said server being run by the producer of the object of the transaction (claim 8).

Levy, in the same field of endeavor and/or pertaining to the same issue, discloses a method and system for a user equipment and another party to exchange transaction data including generating a data entity that associates with a transaction including information of an object that associates with the transaction in the data entity, transmitting the data entity to the

Art Unit: 3625

user equipment over a wireless interface and downloading to the user equipment additional information that associates with the transaction based on said information of the object (Fig. 1 and col. 3, lines 12 through col. 4, line 32), wherein the information of the object comprises a communication network address of the object (claim 2), wherein the information of the object comprises a universal resource locator (URL) (claim 3), wherein the object comprises a site in a data network (claim 7) and wherein the site comprises a document that is retrievable from a server, said server being run by the producer of the object of the transaction (claim 8) (col. 2, lines 48-53, col. 5, lines 51-66, and col. 6, lines 43-51 – note that the document is the webpage of information).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Levy to allow for the information of the object to comprises a communication network address of the object or a URL, for the object to comprise a site in a data network, and for the site to comprise a document that is retrievable from a server. Doing so would allow for the user to be better able to obtain useful or helpful information relating to the object or song, such as where else to find it, so that the user is more easily able to locate and buy the object or song and so that artists/record labels can promote their music and concerts, as explicitly suggested by Levy (col. 2, lines 57-61), or other commerce opportunities, as explicitly suggested by Rhoads (page 3, ¶0040).

Referring to claims 13 and 14. Rhoads discloses the method as claimed in claim 1, but does not explicitly disclose wherein an indicator is displayed to the user of the user equipment

Art Unit: 3625

based on said information of the object (claim 13) and wherein the user may request additional information by selecting the displayed indicator (claim 14).

Levy, in the same field of endeavor and/or pertaining to the same issue, discloses a method and system for a user equipment and another party to exchange transaction data including generating a data entity that associates with a transaction including information of an object that associates with the transaction in the data entity, transmitting the data entity to the user equipment over a wireless interface and downloading to the user equipment additional information that associates with the transaction based on said information of the object (Fig. 1 and col. 3, lines 12 through col. 4, line 32), wherein an indicator is displayed to the user of the user equipment based on said information of the object and wherein the user may request additional information by selecting the displayed indicator (claim 14) (col. 6, lines 29-42 – note that the indicator is a window with user options).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Levy to allow for an indicator to be displayed to the user of the user equipment based on said information of the object and for a user to request additional information by selecting the displayed indicator. Doing so would allow for the user to be better able to obtain useful or helpful information relating to the object or song, such as where else to find it, so that the user is more easily able to locate and buy the object or song and so that artists/record labels can more readily promote their music and concerts, as explicitly suggested by Levy (col. 2, lines 57-61), or other commerce opportunities, as explicitly suggested by Rhoads (page 3, ¶0040)

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads in view of Nel, US 6,363,364 B1 (hereafter referred to as “Nel”).

Referring to claim 12. Rhoads discloses the method as claimed in claim 11, as analyzed and discussed above, but does not disclose wherein the user of the user equipment establishes a communication media with a person based on said information of the object. Nel, in the same field of endeavor and/or pertaining to the same issue, discloses a system and method for interactive data exchange, including a user base, remote network and telephone network, wherein the user establishes a communication media with a person based on information of an object (col. 5, lines 10-18 – note that the communication media is through the interactive voice response system).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Rhoads to include the teachings of Nel to allow for the user of the user equipment to establish a communication media with a person based on the information of the object. Doing so would provide the user with a fully interactive, and more convenient, method for conducting home shopping, as explicitly disclosed in Nel (col. 1, lines 12-17).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (1) DeMello et al., US 7,047,411 B1, discloses a system and method for selling content items to customers, transmitting to the purchaser a web page having a link to a URL comprising the address of a fulfillment site, and, upon following the link, downloading the

Art Unit: 3625

content to the consumer (*see, e.g.*, Abstract, Fig. 9 and cols. 7-40). (2) Shore, US 2002/0059100 A1, discloses a system and method for providing coupons, advertising and communications on electronic receipts that are specifically oriented towards the customers' buying habits wherein the customer can receive more information from the advertisements (*see, e.g.*, pages 2-13).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ameer A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAS

December 5, 2006


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600